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**# 09/857,099**

Please, find enclosed my answer to the Claim Rejections communication of past 05/12/2005.

Best regards,

  
Fernando J. Marcos Alba

When analyzing claims 1 to 3, the examiner concludes that “Kishimoto et al does not specifically disclose the features of a receiver that can only be tuned to the frequencies corresponding to the predetermined counting values; ...” (Communication from Mr. Milord, page 3, lines 3 to 4). I fully agree with the examiner about this statement. And it is really a very important difference with the subject-matter claimed by this applicant.

The same conclusion can be drawn from the application from Takegawa et al, which relates to “providing a tuner with a station selecting device which can quickly select a desired broadcast frequency even if the operator only vaguely remembers the frequency of the desired broadcast station ...” (Takegawa et al, col. 1, lines 58 to 61).

Then a third patent, from Tomohiro et al., is invoked: “Tomohiro et al also discloses an automatic broadcast wave tuning device for a RDS receiver comprises a controller to enforce the RDS receiver to receive the former broadcast wave by setting a forbidden flag under such conditions as being unable to receive program identification code but a receiving signal level of the broadcast wave within the same broadcasting network is above a predetermined signal level, or in case of being able to receive the program identification code but failing to meet up with that of the broadcasting station presently in contact. Hence, from the next automatic receiving frequency tuning, provided is a control for setting a frequency divisional ratio of the phase-locked loop circuit in order to select the best broadcast station of the all by discriminating reception signal levels of the broadcast waves transmitted by all the broadcasting stations bearing no forbidden flag (page 2, line 45-page 3, line 11; page 4, lines 25-47; page 5, lines 2-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Tomohiro to the modified system of Takegawa and Kishimoto in order to select the best broadcast station by discriminating receiving signals levels of the broadcast waves transmitted by all the broadcasting stations bearing no forbidden flag” (Communication from Mr. Milord, page 4, lines 3 to 17) (the underlining is not in the original, we will come back later on it).

The application from Tomohiro et al. describes a supposed improvement for RDS radio receivers. Once a frequency  $f$  is tuned by the listener, its alternate frequencies ( $f_1, f_2, \dots, f_N$ )<sup>1</sup> as sent by the broadcaster are stored in the memory of the receiver. According to Tomohiro et al., it is uncertain that all these frequencies are really alternate frequencies (i.e. frequencies that are transmitting the very same program broadcasted through frequency  $f$ )<sup>2</sup>. For example,  $f_3$  as cited in table 1 of Tomohiro et al.’s description, would not be a truly alternate frequency even if it was declared so by the broadcaster nor be stored into the table of alternate frequencies “due to unknown reason”<sup>3</sup>. To prevent an undesired change of the program being listened due to the automatic procedure to switch to the best possible alternate frequency (as described in RDS standard), Tomohiro et al. propose to **mark** untruly alternate frequencies by means of a bit. This is the case of  $f_3$  in the example. This marking bit must prevent an eventual automatic switching to a different frequency (not being a truly alternate frequency) to happen.

In other words:

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<sup>1</sup> Tomohiro et al.: page 4, line 22.

<sup>2</sup> Tomohiro et al.: page 2, lines 32 to 41.

<sup>3</sup> Tomohiro et al.: page 2, line 38.

- Tomohiro et al. refer to a device that can be tuned to any frequency, without any exception.
- Tomohiro et al. describe an internal procedure for marking “false” alternate frequencies. This procedure is not observable by the listener. Moreover, this procedure has no impact at all over the control of the receiver as seen by the user.
- This procedure prevents the automatic switching to the said “false” alternate frequencies.
- There is no limit at all in the frequencies that can be tuned by the listener.
- During a while (the listening lapse), a given frequency like  $f_3$  stays internally marked for the automatic switching procedure. The user may select any frequency, even the said frequency  $f_3$ , whenever it is desired, since the said mark is simply an internal reference for the tuner’s control software, but it does not represent any kind of prohibition for the listener.
- Each time the user changes the frequency  $f$  to be listened, or the broadcaster changes the alternate frequencies sent through the RDS frames, the table of frequencies stored inside the memory will be refreshed. Accordingly new marks might be placed for differentiating the said “false” alternate frequencies from the “true” alternate frequencies, in order to prevent the alleged malfunction of the automatic switching as stated in the RDS standard.

Consequently, it is clear that, for RDS receivers, there is a substantial difference between what is disclosed from Tomohiro and what is claimed in my application.

It should also be noted that the technique from Tomohiro et al. can only be applied to RDS receivers (first underlining in the quotation of precedent page), whereas what is claimed in my application can be applied to almost any kind of receiver, even non-RDS receivers.

Last, the technique of Tomohiro et al. could be useful for “selecting the best broadcast station” (second underlining in the quotation of the precedent page). But the purpose of my application is completely other than “selecting the best broadcast station”, and this is why the proposed technique is so different.

As far as the rationale for rejecting claim 4 is the same than that used for rejecting claims 1 to 3, what has been written before about the rejection of claims 1 to 3 should also prevent claim 4 to be rejected.

Regarding claim 5, it has been considered an obvious embodiment from the disclosure of Kishimoto et al. However, claim 5 is a dependent claim from claims 1 to 4. Accordingly, the precedent explanation about the rejection of claims 1 to 4 should also question the rejection of claim 5.

Regarding claims 6 to 8, they have been rejected by the same rationale used for rejecting claims 1 to 3. Accordingly, the precedent explanation about the rejection of claims 1 to 3 should also question the rejection of claims 6 to 8.

Regarding claim 9, it has been considered an obvious embodiment from the disclosure of Kishimoto et al. However, claim 9 is a dependent claim from claims 6 and 7, or 6 and

8. Accordingly, the precedent explanation about the rejection of claims 6 to 8 should also question the rejection of claim 9.

Regarding claims 10 to 12, they have been rejected by the very same rationale used for rejecting claims 1 to 3. Accordingly, the explanation about the rejection of claims 1 to 3 should then also question the rejection of claims 10 to 12. In addition, the proposed use of "a circuit for decoding tuning useful information" for stopping a scan "when the said decoder finds a radio station transmitting the same code stored into the said active register. Thus, the receiver can only be tuned to one of these predetermined radio stations/chains", as claimed in my application, is far from being an obvious technique, and there is nothing about this technique in the applications from Kishimoto, Takegawa or Tomohiro.

Regarding claims 13 and 14, they have been rejected by the very same rationale used for rejecting claims 1 to 3. Accordingly, the explanation about the rejection of claims 1 to 3 should then also question the rejection of claims 13 and 14.

Consequently, the applicant kindly requests the examiner to consider again the novelty of its application, taking into account these explanations.

Best regards,



Fernando J. Marcos Alba